EMERIDGE CAROLYN R 22/09/82 133742 PRINTER: LI
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EXCISE

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ACTION EA-12
INFO CCT-01 AIS-02 CIAE-02 DODE-00 PM-07 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-02 SSO-07
ICAE-00 INRE-00 IO-14 HA-05 AID-07 PER-01 /AIS
-----------------112542 0412062 /17

O 040831Z SEP 82
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 8891
INFO AMEMBASSY TOKYO
USCINCUNC IS
CDRUSMAG SEOUL KS
COMUSKOREA SEOUL KS//EJ-IS
CINCPAC HONOLULU HI
C O N F I D E N T I A L SEOUL 11575
E.O. 12065: GDS 09/04/86 (BLAKEMORE, DAVID) OR-P
TAGS: PINT PGOV SHUM KS
SUBJECT: KIM DAE JUNG TRIAL (REPORT NO. 14)
REF: (A) STATE 234434 (NOTAL), (B) SEOUL 11519
1. (C - ENTIRE TEXT)
2. SUMMARY: IN A BRIEF AFTERNOON SESSION ON SEPTEMBER 4, TWO DEFENSE WITNESSES TESTIFIED. THE PROSECUTION DROPPED ONE MINOR CHARGE AGAINST KIM DAE JUNG. THE COURT REFUSED TO ACCEPT ANY FURTHER EVIDENCE OR WITNESSES AND ORDERED FINAL ARGUMENTS BY BOTH PROSECUTION AND DEFENSE FOR THE MORNING OF SEPTEMBER 6, WHEN THE PROSECUTION WILL ALSO REQUEST A SENTENCE. THE VERDICT IS EXPECTED TO BE HANDED DOWN BY THE MIDDLE OF NEXT WEEK. END SUMMARY.
3. THE SEPTEMBER 4 SESSION BEGAN WITH THE TESTIMONY OF LI TAE-YONG (M-E), KOREA'S FIRST WOMAN LAWYER AND PROMINENT DISSIDENT LEADER. SHE TESTIFIED THAT KIM DAE JUNG

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(M-A: KIM TAE-CHUNG) HAD TOLD HER THAT HE WAS NOT CHAIRMAN OF HANMINTONG AND THAT HE HAD NEVER ASKED HER TO URGE PROFESSORS COHEN AND REISCHAUER TO SUPPORT WITHDRAWAL OF U.S. FORCES FROM KOREA. SHE ALSO TESTIFIED THAT KIM WAS A "GOOD CHRISTIAN" AND THAT SHE HAD NO REASON TO BELIEVE HE WAS A COMMUNIST. IN THE COURSE OF QUESTIONING HER, AS IS HIS RIGHT, KIM DAE JUNG SAID THAT IT WAS REGRETTABLE THAT THE U.S. PUT "SECURITY FIRST AND DEMOCRACY SECOND.
4. THE DEFENSE THEN CALLED KIM YE-SANG (M-B). HE WAS THE DIRECTOR OF THE SEOUL METROPOLITAN POLICE FROM 1971 TO 1975. KIM ASKED HIM WHETHER HE HAD INVESTIGATED KIM'S

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KIDNAPPING FROM JAPAN IN 1973. KIM YE-SANG SAID NO, THAT IT WAS THE RESPONSIBILITY OF ANOTHER AGENCY. AFTER THE DEFENSE, AND KIM, ASKED THE SAME QUESTION SEVERAL DIFFERENT WAYS, THE WITNESS WAS EXCUSED.
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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY H. Temple DATE 6/18/82
PORTIONS DENIED AS INDICATED

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5. THE PROSECUTION THEN ANNOUNCED THAT HE WAS DROPPING THE CHARGE AGAINST KIM DAE JUNG AND KIM SANG-HYON FOR INSTIGATING INSURRECTION, RETAINING THE CHARGE OF PLOTTING INSURRECTION. (COMMENT: THE DEFENSE LAWYERS SAID THAT THERE WAS NO SIGNIFICANCE TO DROPPING THE CHARGE BECAUSE THE PENALTY REMAINED THE SAME. END COMMENT.)

6. THE COURT RECONVENED AND ANNOUNCED THAT IT HAD REJECTED ALL REQUESTS BY DEFENSE AND PROSECUTION FOR FURTHER WITNESSES. THE COURT ORDERED FINAL ARGUMENTS BY BOTH THE DEFENSE AND PROSECUTION THE MORNING OF SEPTEMBER 8. THE PROSECUTION WILL REQUEST A SENTENCE THE SAME DAY. THE COURT FURTHER ORDERED THAT THE DEFENSE'S ARGUMENTS (BUT NOT THOSE OF THE PORSECUTION) BE IN WRITING, WHICH WE WERE

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TOLD BY DEFENSE COUNSEL IS VERY UNUSUAL. THE NEXT STEP WILL BE THE VERDICT, WHICH WE EXPECT SOMETIME NEXT WEEK, PROBABLY NO EARLIER THAN WEDNESDAY.

7. ACCORDINGLY, AS INSTRUCTED IN REF (A), SMITH WILL ARRANGE [redacted] PLANS TO RETURN TO WASHINGTON ON SUNDAY, SEPTEMBER 7, UNLESS INSTRUCTED OTHERWISE. GLEYSTEEN

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